UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 97-7799

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ALEXIS ANTONIO GARCIA-RIVAS, a/k/a Alex A.
Garcia,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle Dis-
trict of North Carolina, at Greensboro. Frank W. Bullock, Jr.,
Chief District Judge. (CR-95-101, CA-97-168-2)

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Submitted: April 29, 1998   Decided: May 15, 1998

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Before MURNAGHAN, NIEMEYER, and WILLIAMS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Alexis Antonio Garcia-Rivas, Appellant Pro Se. Timika Shafeek,
Assistant United States Attorney, Greensboro, North Carolina, for
Appellee.

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PER CURIAM:

Appellant seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C.A. § 2255 (West 1994 & Supp. 1998). Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Appellant that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant failed to object to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file objections after receiving proper notice. We accordingly deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED